

October 6, 1942

Mr. Nasib Karam
County Attorney
Nogales, Arizona

LAW LIBRARY

ARIZONA ATTORNEY GENERAL

Dear Sir:

Upon your last visit to Phoenix you left with this office a letter addressed to you from Mrs. Cora Everhart, County School Superintendent, in which she propounds several questions concerning tuition and transportation for high school pupils. She first states that if a child living in one of the elementary districts of Santa Cruz County, being unorganized high school territory, attends a high school in Santa Cruz County, is it obligatory on the elementary school district in which the child resides to pay the transportation and tuition equal to the cost of education per capita less the state apportionment?

It is neither permissible nor obligatory upon the district to provide or pay for transportation in such a case. Under the provisions of Section 54-908, A.C.A. 1939, it is obligatory on the district to pay the fee set by the high school, which in no event can exceed the average cost of education per pupil of the high schools of the county after deducting the state apportionment.

The next question asked by the County School Superintendent refers to a child residing in an elementary school district, being unorganized high school territory, who desired to attend high school in Pima County or some other county other than Santa Cruz. In such event the elementary district may not pay the transportation, nor do we find anything in the law which would require tuition to be paid by the elementary school district, Section 54-908 supra, referring only to non-resident pupils of the high school district who reside in the county in which the high school is located.

The next question asked by the County School Superintendent is whether or not the payment of an income tax, either Federal or State, qualifies a person as an elector to vote in school elections.

It is our opinion that payment of such a tax does not qualify the person paying the tax to vote, the tax referred to in the Code meaning the payment of an ad valorem tax.

Very truly yours,

JOE CONWAY
Attorney General

EARL ANDERSON
Special Assistant
Attorney General

EDWARD P. CLINE
Assistant Attorney General.